

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

105B



**FROM:** County Counsel/TLMA  
Code Enforcement Department

**SUBMITTAL DATE:**  
September 8, 2011

**SUBJECT:** Abatement of Public Nuisance [Substandard Structure & Accumulated Rubbish]  
Case No: CV 09-12835 [ESTATE OF MURRAY, ET AL.]  
Subject Property: 18475 Driscoll Rd., Desert Hot Springs; APN: 645-220-002  
District: Four

**RECOMMENDED MOTION:** Move that:

1. The substandard structure (dwelling) on the real property located at 18475 Driscoll Road, Desert Hot Springs, Riverside County, California, APN: 645-220-002 be declared a public nuisance and a violation of Riverside County Ordinance No. 457 which does not permit substandard structures on the property.
2. Estate of Madonna Murray, et al., the owners of the subject real property, be directed to abate the substandard structure on the property by rehabilitating, removing and/or demolishing the same from the real property, including the removal and disposal of all structural debris and materials within ninety (90) days.

Departmental Concurrence

(Continued)

*L. Alexandra Fong*  
L. ALEXANDRA FONG, Deputy County Counsel  
for PAMELA J. WALLS, County Counsel

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY: *Tina Grande*  
Tina Grande

County Executive Office Signature

- |                                     |         |                                     |        |
|-------------------------------------|---------|-------------------------------------|--------|
| <input type="checkbox"/>            | Consent | <input type="checkbox"/>            | Policy |
| <input checked="" type="checkbox"/> | Consent | <input checked="" type="checkbox"/> | Policy |

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: 4 | Agenda Number:

9.3

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3. The owners be ordered to ascertain the existence or non-existence of asbestos containing materials in said structure by survey and materials sample testing through the Industrial Hygiene Specialist of the County Health Department, Division of Special Services; and, prior to the abatement ordered in paragraph number two (2) above, to secure the removal and disposal of all asbestos containing materials discovered through such survey and testing by contract with a duly certified and licensed contractor for the handling of such materials to avoid citations and/or fines imposed by the South Coast Air Quality Management District (SCAQMD) pursuant to SCAQMD Rule No. 1403.
4. The accumulation of rubbish on the real property located at 18475 Driscoll Rd., Desert Hot Springs be declared a public nuisance and a violation of Riverside County Ordinance No. 541 which does not permit the accumulation of rubbish on the property.
5. Estate of Madonna Murray, et al., the owners of the subject property, be directed to abate the accumulation of rubbish on the property by removing and disposing of the same from the real property within ninety (90) days
6. If the owners of the real property do not take the above described action within ninety (90) days of the date of the Board's Order to Abate, that representatives of the Code Enforcement Department, Sheriff's Department, and/or a contractor, upon consent or receipt of a Court Order authorizing entry onto the real property when necessary under applicable law, shall abate the substandard structure and accumulation of rubbish by removing and disposing of the same from the real property.
7. The reasonable costs of abatement, after notice and an opportunity for hearing, shall be imposed as a lien on the real property, which may be collected as a special assessment against the real property pursuant to Government Code Section 25845 and Riverside County Ordinance No. 725.
8. County Counsel be directed to prepare the necessary Findings of Fact and Conclusions that the substandard structure and accumulation of rubbish on the real property is declared to be in violation of Riverside County Ordinance Nos. 457 and 541, and constitutes a public nuisance. Further, County Counsel shall prepare an Order to Abate for approval by the Board.

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**BACKGROUND:**

1. An initial inspection was made of the subject real property by the Code Enforcement Officer on August 27, 2010.
2. The inspection revealed a substandard structure (dwelling) on the subject real property in violation of Riverside County Ordinance No. 457. The substandard conditions of the structure included, but were not limited to the following: faulty weather protection, general dilapidation or improper maintenance and abandoned, vacant, public and attractive nuisance. The inspection also revealed the accumulation of rubbish (approximately 2,000 square feet) on the subject property in violation of Riverside County Ordinance No. 541. The accumulation of rubbish consisted of, but was not limited to the following materials: cut/dead vegetation, construction material, wood, metal and plastic.
3. Subsequent inspections of the above-described real property on October 18, 2010, December 14, 2010, January 26, 2011, March 21, 2011 and August 26, 2011, continues to be in violation of Riverside County Ordinance Nos. 457 and 541.
4. Staff and the Code Enforcement Department have complied with the requirements set forth in the appropriate laws of this jurisdiction pertaining to the Administrative Abatement Proceedings for substandard structure and accumulation of rubbish.